

1     Rule 64E. Writ of execution.

2     (a) Availability. A writ of execution is available to seize property in the possession or under  
3 the control of the defendant following entry of a final judgment or order requiring the delivery of  
4 property or the payment of money.

5     (b) Application. To obtain a writ of execution, the plaintiff shall file an application stating:

6     (b)(1) the amount of the judgment or order and the amount due on the judgment or order;

7     (b)(2) the nature, location and estimated value of the property; and

8     (b)(3) the name and address of any person known to the plaintiff to claim an interest in the  
9 property.

10    (c) Death of plaintiff. If the plaintiff dies, a writ of execution may be issued upon the  
11 affidavit of an authorized executor or administrator or successor in interest.

12    (d) Reply to writ; request for hearing.

13    (d)(1) The defendant may reply to the writ and request a hearing. The reply shall be filed and  
14 served within 10 days after service of the writ and accompanying papers upon the defendant.

15    (d)(2) The court shall set the matter for an evidentiary hearing. If the court determines that  
16 the writ was wrongfully obtained, or that property is exempt from seizure, the court shall enter an  
17 order directing the officer to release the property. If the court determines that the writ was  
18 properly issued and the property is not exempt, the court shall enter an order directing the officer  
19 to sell or deliver the property. If the date of sale has passed, notice of the rescheduled sale shall  
20 be given. No sale may be held until the court has decided upon the issues presented at the  
21 hearing.

22    (d)(3) If a reply is not filed, the officer shall proceed to sell or deliver the property.

23    (e) Mortgage foreclosure governed by statute. Utah Code Title 78, Chapter 37, Mortgage  
24 Foreclosure, governs mortgage foreclosure proceedings notwithstanding contrary provisions of  
25 these rules.

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